

INTRODUCTION

State and Local Government in Louisiana: An Overview is published by House Legislative Services to provide an introduction to government in Louisiana at both the state and local levels. It is revised quadrennially and is intended primarily to serve as background information for newly elected members of the Louisiana House of Representatives.

State government in Louisiana is comprised of three coordinate and coequal branches, namely the executive, legislative, and judicial branches. The constitution and laws of the state distribute the powers of state government among the three branches. As a general principle, no one of the branches, nor any person holding office in any one of them, may exercise power belonging to either of the others. This is referred to as the doctrine of the separation of powers and is common to the national government and all state governments.

The legislature is responsible for determining policy through the enactment of laws, subject to federal and state constitutional restrictions. In addition to general laws having statewide application, the legislature may also enact laws applying only to particular localities, but this power is subject to a number of specific constitutional limitations. The appropriation of funds to finance programs and functions of state government is a power vested solely in the legislature. Another major legislative power is oversight of implementation and administration of state programs by executive branch agencies.

Three Branches of State Government Legislative Executive Judicial

"The powers of government of the state are divided into three separate branches: legislative, executive, and judicial." (La. Const. Art. II, Sec. 1)

"Except as otherwise provided by this constitution, no one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others." (La. Const. Art. II, Sec. 2)

The legislative branch includes the legislature, which is comprised of the House of Representatives and the Senate, as well as the officers and employees of the two houses and certain other officers and agencies responsible to the legislature. (See "Chapter 1, Part A. The Legislative Branch" beginning on page 1A-1.)

Article V of the Louisiana Constitution establishes the judicial branch and specifies the judicial power of state government. The judicial power of the state is vested in a system of courts, with the supreme court being the state's highest court, below which are the courts of appeal, followed by the district courts, and then the courts of limited or specialized jurisdiction which include family, juvenile, parish, city, municipal, traffic, justice of the peace, and mayor's courts. (See "Chapter 1, Part B. The Judicial Branch" beginning on page 1B-1.)

The executive branch is generally responsible for the administration and enforcement of the constitution and laws. The governor is the chief executive officer of the state. In accordance with authority granted by law, or by the constitution for certain agencies, executive branch agencies exercise the power to make rules concerning particular aspects of general policy. The complexity of day-to-day operations of state government makes necessary this delegation of or sharing in the powers of the legislature. (See "Chapter 1, Part C. The Executive Branch" beginning on page 1C-1.)

Fiscal responsibilities are shared by the governor and the legislature. The governor is responsible for preparing and submitting to the legislature both a fiscal year operating budget and a five-year capital outlay program. The legislature is empowered to appropriate funds for these and other purposes. The governor may veto any line item in an appropriation bill, but the legislature by a two-thirds vote may override a gubernatorial veto. Both the governor and the legislature are charged with ensuring that total appropriations for any fiscal year do not exceed anticipated revenues for that year. Legislative appropriations cannot exceed the official revenue forecast and, with certain exceptions, cannot exceed the expenditure limit for the fiscal year. However, the legislature may change the expenditure limit with a two-thirds vote of the elected members of each house. (See "Chapter 2, Part A. State Government Finance" beginning on page 2A-1.)

Local governments are also an important element of governing in Louisiana. In addition to parishes and municipalities, which are well known and have authority to deal with a wide variety of local issues, there are also numerous "special districts" in Louisiana. Generally a special district is created to levy a tax and provide a single governmental service in a specified local jurisdiction. These districts may be created by the legislature itself or by municipal or parish governments. Some examples of services provided by special districts in various areas throughout the state include: fire protection, hospitals, drinking water, levee maintenance, 911 emergency response service, and many others. Additionally, local governmental subdivisions (parishes and municipalities) are vested with broad power to cooperate with each other and to consolidate or merge special districts or other local public agencies into themselves. (See "Chapter 3, Part A. Structure and Organization" beginning on page 3A-1.)

Classically, under the Tenth Amendment to the U.S. Constitution, local governments are creatures of the state and are authorized to exercise only the powers specifically granted to them by the state. However, the Constitution of Louisiana provides that a parish or municipal governing authority may, if the local voters authorize it to do so, exercise any power that it is not prohibited from exercising. The constitution also authorizes and includes procedures for parishes and municipalities to adopt home rule charters. A home rule charter is akin to a local constitution in that it provides for how the government is organized and what authority it has. The adoption of a home rule charter is subject to local voter approval but is not subject to involvement of the state legislature. In addition to having the authority to exercise powers not otherwise denied, the constitution provides that a home rule charter government is protected from certain types of legislative interference. Many municipalities and parishes around the state have adopted such charters.

Local governments remain dependent upon the state as a source of revenue to a significant degree. This is due, in part, to greater sources of revenue at the state level and to limitations upon the powers of local governments to raise revenues. The constitution mandates that certain revenue sharing funds be distributed to local governments and political subdivisions. Statutes provide for other types of financial assistance by the state to local governments. Issues relating to sharing of responsibility for certain governmental functions by the state and local governments, the proper level of state financial assistance to local governments, and the appropriate balance between the taxing authority of the state government and of local governments continue to be important ones. (See "Chapter 3, Part D. Local Government Finance" beginning on page 3D-1.)

This is but a brief outline of the topics discussed in this overview of *State and Local Government in Louisiana*.